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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, and by Maryknoll Fathers and Brothers and Maryknoll Sisters of St. Dominic, Inc., non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 February 1999]

GE.99-11539 (E)

Violations of the human rights of the internally displaced population in Colombia, and in Barancabermeja in 1998 in particular

Internally Displaced Persons (IDPs)

1. Colombia has one of the highest numbers of internally displaced persons living within its borders. More than 1.2 million Colombians have been forced to flee their homes during the last decade; 200,000 people were displaced in 1997, 275,000 during 1995 and 1996. 1/ In January 1999 over 200,000 IDPs were added to the national total by the earthquakes.

2. IDPs is an unclear category for aid organizations, for there is no institution that deals solely with this phenomenon and no proper set of laws which apply to their situation. IDPs are extremely vulnerable and inadequately protected by international legislation. They are often an inconvenience and an embarrassment to their national Government. IDPs share many of the needs of refugees but their rights in international law lack clarity.

3. Franciscans International, the International Catholic Migration Commission, the Maryknoll Office for Global Concerns (Maryknoll Fathers and Brothers and Maryknoll Sisters), the Jesuit Refugee Service and the Dominicans work with refugees and IDPs throughout the world. We tend to their needs and advocate with them on their behalf. In Colombia the situation is such an outrageous scandal that we urge the United Nations Commission on Human Rights, as a matter of high priority, to protect the human rights of these IDPs and to examine and address the causes of their displacement.

Internal displacement is linked to profit

4. People displace other people because of hatred or for personal profit. Twenty-five years ago the displacement of people in Colombia was largely due to the struggle between guerillas and the Government over the control of land. Fifteen years ago the narco-traffickers displaced people to control part of the territory. They are now the largest landowners in the country with an estimated 3 to 5 million hectares of the best agricultural and ranching land under their control. Today, the displacement is moving at an accelerated rate due to international business interests. Now the causes are more global than local. 2/

5. It is argued that the regions of Colombia that are most affected by the displacement are among some of the richest in oil, gold and forestry resources or are areas where macroeconomic projects are being implemented. Landowners, drug traffickers and local government officials are involved with paramilitary groups, aiming to get people to abandon their own land. 3/ It is cheaper to force people off the land by using paramilitaries and then to acquire the land at little or no cost. Government officials claim that the people are fleeing a dangerous war zone and cannot return safely. However, there is no serious discussion or attempt by the Government to return people to the land that they have abandoned. In fact, in many cases transnational corporations and narco-traffickers now occupy their land.

Oil, the paramilitary and displacement

6. Economics are at the root of the present-day phenomenon of IDPs in Colombia. The oil business in Colombia is an example of a pattern of government agreements with transnational corporations that turn Colombian citizens into IDPs and put money into the pockets of foreign investors. In the context of globalization and with the neo-liberal market conditions imposed by international financial institutions on the developing world, Colombia opened the door for transnational oil companies to gain control over another of its income-generating natural resources. We have seen occasions when cleared land is acquired by foreign investors and the properties are surrounded by security zones guarded by military or right-wing paramilitary forces.

Dependence on transnational oil companies

7. Oil is Colombia's most important commodity for export. Compared to coffee, which in 1996 represented 3.4 per cent of GNP and 15.2 per cent of Colombia's exports, oil accounted for 4.3 per cent of GNP and 26.8 per cent of the country's exports. In Colombia, Ecopetrol is the national State-owned petroleum company that was formed in the 1940s. As a State-owned corporation it had periods of profitability in the 1960s. In 1969, in order to attract and keep foreign state-of-the-art technology needed for oil exploration, the Colombian Government signed agreements under which multinationals and Ecopetrol would share exploration costs as well as information about current and previous attempts to find new deposits. In return for this cooperation there was to be a sharing of profits among the military, Ecopetrol and the multinationals. These association contracts with foreign companies have undermined Ecopetrol's ability to develop independently. Now, most of Ecopetrol's present earnings depend on its association with British Petroleum (BP), which began in 1997 to extract crude oil from the largest oil deposit (estimated at 2 billion barrels valued at US$ 25 billion) ever discovered in Colombia, the Cusiana, located in the eastern department of Casanare. In 1997 one third of all Colombian oil was produced by BP in the region of Casanare. In 1998 transnational oil companies, led by BP, extracted all the oil produced in Colombia. In 1988, Ecopetrol explored 3,245 square miles of territory, but by 1996 that figure had fallen to 621 square miles; in 1997 it was zero. Gradually the number of active Ecopetrol wells began to decrease - from 216 in 1986 to only 2 today. The terms of the association contracts have diminished Ecopetrol as a revenue-generating producer and decision maker at the bargaining table. 4/

8. Guerrilla forces have repeatedly attacked BP's and Occidental Petroleum's installations and pipelines. They have also kidnapped oil-industry officials. The civilian population has been caught in the violence and counter-violence thus generated. Until 1995, the oil industry indirectly paid for the protection of the armed forces through a flat war tax of $1 per barrel of oil. Beginning with the exploitation of the Cusiana reserve, however, companies like BP began negotiating protection agreements directly with the armed forces. In an unprecedented move the army assigned 3,000 troops from its 16th Brigade to the area surrounding BP's Cusiana installations. The military also forced the population to move some three miles away from the oil installations, otensibly for their own protection;

this is a common tactic in Colombia aimed at creating a safe, uninhabited corridor to protect transnational infrastructure investments in the country. This tactic, employed directly by the army and also by the paramilitary, has contributed to high numbers of IDPs.

9. In November 1997 Colombia's Superintendent of Security designated the Rural Cooperatives of Self-Defence and Security, known as Convivir, to assist in the protection of multinational operations. This decision was taken four months prior to the negotiations, led by the United Kingdom on behalf of the European Union, to write the Chairman's statement on Colombia which said that the fifty-fourth session of the Commission on Human Rights welcomed "the recommendations of the Colombian Constitutional Court on 7 November 1997 to impose strict controls on the weapons held by the 'special private security and vigilante services' (the so-called Convivir groups). It also welcome[d] the measures adopted by the Government of Colombia to regulate the establishment and functioning of those bodies, particularly prohibition of their establishment in zones of conflict." 5/ By saying that these organizations need to be controlled and not outlawed, a United Nations document for the first time formally acknowledged the legitimacy of a private mercenary armed force as a protection for private property within a country.

Barrancabermeja

10. Barrancabermeja, a large industrial city in the Department of Santander, is known for its oil refineries and for the strong organization and mobilization of civilian resistance to economic policies. The Colombian Government has tried to privatize Ecopetrol now that it has been decimated by agreements and competition with transnational oil companies. The move towards privatization has met with solid resistance from the powerful Worker's Trade Union (USO), one of the country's strongest labour unions which enjoys widespread support among the population because of its historic role in the struggle for the nationalization of oil and the creation of Ecopetrol in the 1940s. Precisely for this reason, USO leaders have been targets of brutal repression. Barrancabermeja is a strong centre of support for USO. Since 1987, over 80 members have been assassinated, the majority by paramilitary forces working in conjunction with the Government. 6/ The most well-documented cases are the murders of several USO leaders who were assassinated by the naval intelligence network of Barrancabermeja. Established in the early 1990s with the assistance of United States intelligence personnel, this paramilitary network has assassinated over 100 community leaders and union activists in the region. 7/

11. Franciscans International, the International Catholic Migration Commission, the Maryknoll Office for Global Concerns (Maryknoll Fathers and Brothers and Maryknoll Sisters), the Jesuit Refugee Service and the Dominicans are deeply concerned about certain events in Barrancabermeja since the fifty-fourth session of the Commission on Human Rights. These events are calculated acts of terrorism by right-wing paramiliatry that are designed to frighten the civilian population into submission or flight. On 16 May 1998, 50 members of the Autodefesas de Santander y el Sul del Cesar (AUSAC) entered three barrios in the south-east sector of the city of Barranca. There they killed a number of persons in front of their families and kidnapped at least 22 men. The families of the kidnapped men went to Bogotá to plead desperately

with government officials for the return of their sons and husbands. Their hopes were crushed when the right-wing paramilitaries issued a press release saying that during their captivity the men were tried, convicted of being Marxists, executed and their bodies incinerated.

12. Paramilitary groups routinely terrorize civilians to displace them from rural areas, saying that the aim is to eliminate any possibility of guerrillas gaining support from people in small towns and rural areas. In July and October 1998 10,000 farmers converged on Barancabermeja from Sur Bolivar for four months to protest the paramilitary activities in their regions as well as the lack of implementation of the accords that followed the farmers' protests in 1996. In their negotiations with the Government the farmers were assured that they could return home safely. When groups did return they were harassed and, in some cases, attacked by paramilitary shooting at them from helicopters. Others cannot return as their land had been sold to gold-mining companies.

13. Some of the people who fled to Barrancabermeja came from Tequisio. During the fifty-third session of the Commission our delegation received an urgent appeal for the safety of two Franciscan friars in Tequisio who were told by right-wing paramilitary sources in the region that they must leave or be killed. Neither of these men was politically involved. Each was a simple pastor. Eventually, the friars and many of the local population were forced to leave for safety reasons. In August 1998 a group of right-wing paramilitaries entered Tequisio and collected townspeople in the town plaza. There they publicly tortured four men with chain saws, eventually dismembering them and beheading them in front of family and friends. It was a brutal way to terrorize the remaining people so that they would abandon their land and leave it for the mining interests. We have since learned that gold has been discovered in the region of Tequisio.

Our recommendations to the Commission on Human Rights

14. Acknowledging the steps taken by the Colombian Government to protect the displaced included in Law 387/97:

(a) Together with other Colombian-based NGOs, we strongly urge the international community to strengthen the office of the High Commissioner for Human Rights in Bogotá;

(b) We recommend that the personnel of the office of the High Commissioner for Human Rights in Bogotá be increased to include persons offering diverse expertise, e.g. trade union organizers, teachers and members of the religious community;

(c) We request the office of the High Commissioner for Human Rights in Bogotá to ask the Government of Colombia to respect and implement the "Guiding Principles on International Displacement";

(d) We recommend that the office of the High Commissioner for Human Rights in Bogotá publish a "1999 Plan of Work" within which the monitoring of

the violations of human rights of the IDPs would be a priority. We urge that the work identify the root causes of the displacement as well as the reasons why the IDPs have not been able to return to their lands;

(e) We ask the Government of Colombia to investigate all human rights violations and specifically to account for the whereabouts of the 22 men who were disappeared by right-wing paramilitaries in Barrancabermeja on 16 May 1998;

(f) We urge the Government of Colombia to work with trilateral country sponsors to accompany IDPs in their return home and to guarantee their safety during the resettlement process and afterwards. We point to the example of Guatemala, where multilateral teams from the international community worked with the national Government to repatriate civilians in conflict zones, believing that resettlement cannot wait for a peace settlement;

(g) We recommend that the United Nations Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballestreros, visit Barancabermeja to investigate the economic links between paramilitaries and transnational corporations;

(h) We urge Mr. Francis Deng the Special Representative of the Secreatry-General on IDPs, to visit Colombia in 1999 to report on the situation of IDPs there and that his report be speedily published.

Notes

1/ Crosslines, Global (IDP Survey) Report, September-October 1998. pp. 15-16.

2/ Grupo de Apogo a Organizaciones de Desplazados (GAD), Bulletin No. 24, 15-30 July 1998.

3/ El Tiempo (Bogotá), 22 May 1998.

4/ NCLA Report on the Americas, vol. XXXI, No. 5, March/April 1998, p. 43.

5/ See E/1998/23-E/CN.4/1998/177, para. 26

6/ El Tiempo (Bogotá), 11 May 1993 and 14 January 1994; El Colombiano (Medellín), 17 August 1995.

7/ Human Rights Watch/Americas, Colombia's Killer Networks: The Military-Paramilitary Partnership and the United States, New York, Human Rights Watch, 1996.